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of one who inquired as to what taxes they had paid since their purchase, they waived the right to subsequently defeat an action to annul their tax title on the ground that their concealment had prevented redemption, by setting up that the person making the inquiry as to their payments had no authority.

[Ed. Note.—For other cases, see Estoppel, Cent. Dig. §§ 198-203; Dec. Dig. § 77.* 5 Va. & W. Va. Ency. Dig. 237.]

Appeal from Circuit Court, Campbell County.

Bill by Anne W. Penfield against R. E. Reid and another. From a decree for complainant, defendants appeal. Affirmed.

Coleman, Easley & Coleman, of Lynchburg, for appellants.

F. W. Whitaker and *S. V. Kemp*, both of Lynchburg, for appellee.

SHEPHERD et al. v. STARBUCK et al.

March 16, 1916.

[88 S. E. 59.]

Appearance (§ 9 (3)*)—Special Appearance—Effect.—Where notice of proceedings to establish a levee or drainage district is fatally defective, in that it was not published in a newspaper of general circulation in the county as required by Laws 1914, c. 332, § 5, and the defendants entered only a special appearance for the purpose of submitting a motion to dismiss on the ground of insufficiency of notice, their appearance could not be treated as general, and no judgment could be rendered against them.

[Ed. Note.—For other cases, see Appearance, Cent. Dig. § 44; Dec. Dig. § 9 (3).* 1 Va.-W. Va. Enc. Dig. 681.]

Appeal from Circuit Court, Henrico County.

Action by D. W. Starbuck and others against A. E. Shepherd and others. From an order overruling a motion of defendants to dismiss and granting the relief prayed for in the complaint, the defendants appeal. Reversed.

Willoughby Newton, Jr., of Richmond, for appellants.

W. W. Old, Jr., of Norfolk, and *Julian Gunn* and *Thos. P. Bryan*, both of Richmond, for appellees.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.